



***Town of Tyngsborough***  
*Zoning Board of Appeals*  
Town Hall-25 Bryants Lane  
Tyngsborough, MA 01879-1003  
(978) 649-2300, Ext. 115

**TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES**

**August 8, 2013**

**APPROVED**

Attachments:

1. Meeting Agenda
2. 34 Mission Rd. ZBA Application – 7/15/2013
3. 34 Mission Rd. Amended Floor Plan – 8/8/13
4. Letter of project support from John Lyons – 7/30/13
5. Tyngsborough Town Dept. Comments – 34 Mission Rd.

Members Present: Claire Cloutier, Chairman  
Robb Kydd, Vice Chairman  
Cheryl Bradley  
Joe Polin  
Scott Bordeleau

Members Absent: Chris Mechalides

**6:30pm** Meeting was called to order by Chairman C. Cloutier

**Public Hearing #1**

**34 Mission Rd. (M29, P3, L0)** – Request for a Variance from the requirements of Section 2.12.50 (Side Yard Setbacks) of the Tyngsborough Zoning By-Law to construct a 24.5' x 16' garage with in-law suite addition in an R-1 Zone. *Advertised in the Lowell Sun Wednesday July 31, 2013 and Wednesday August 7, 2013.*

**Abutters List Present and Complete**

**R. Kydd:** Motion to waive the reading of the abutters list.

**S. Bordeleau:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

Application Presentation by Applicant/Designee:

Applicant Dan Belkas appeared before the Board requesting a side yard setback variance in order for him to construct a 24.5' x 16' garage with an in-law suite above. Mr. Belkas noted that the home was built in 1900 and the small lot size makes it difficult to place the desired size addition within the 30 foot setback. He went on to say that the Planning Board requires a Special Permit for an in-law suite, and he is scheduled to have that hearing on August 15<sup>th</sup>. Abutter John Lyons of 203 Dunstable Rd. wrote a memo to the Board in favor of the project and has no issues with the addition. There were no other abutters present to speak for or against this project.

**S. Bordeleau:** Motion to close the public portion of the hearing.

**J. Polin:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0**

**Passes: 5-0**

Open discussion by the Board and Q & A to Applicant with Applicant responses

The Board felt that this project would not be detrimental to the neighborhood and they had no issues with it, especially due to the pre-existing non-conforming status of the lot.

Review Notes/Comments on Application from other Tyngsborough Departments

Conservation Commission: No issues as long as the work is confined to existing footprint with no foundation expansion.

Sewer: None

Selectmen: None

Board of Health: None

Fire Dept.: Smoke and addition smoke, heat & carbon monoxide detectors are required to meet all current 2013 local, state and NFPA standards and codes.

Building Commissioner: It appears that the in-law suite does have the required independent egress.

Tax Collector: None

Police Dept.: None

Highway Dept.: None

Assessor: None

**J. Polin:** Motion to grant a Variance under Section 2.12.50 for 34 Mission Rd.  
**R. Kydd:** 2<sup>nd</sup> the motion  
**In Favor: 5 Opposed: 0**  
**Passes: 5-0**

**Motion written as follows:**

Motion to **APPROVE**; 34 Mission Rd. (Assessors Map 29, Parcel 3, Lot 0); a Variance from the requirements of Section 2.12.50 of the Zoning By-Laws for dimensional side yard setbacks in an R-1 Zone, from the required 30ft. to 3 ft., and **APPROVE** a Variance for Minimum Lot Area in an R-1 Zone from the required 60,000 s.f. to 12,630 s.f.; in order to construct a garage with in-law suite addition to the existing home as shown on Garage with Proposed Addition Floor & Elevation Plan dated 7/17/13 and amended to remove the second in-law apartment entryway. 8/8/13 by Joe Polin, seconded by Robb Kydd.

**5-0, Motion to APPROVE – unanimous**

<b>Claire Cloutier</b>	<b>AYE</b>
<b>Cheryl Bradley</b>	<b>AYE</b>
<b>Robb Kydd</b>	<b>AYE</b>
<b>Scott Bordeleau</b>	<b>AYE</b>
<b>Joe Polin</b>	<b>AYE</b>

**ADMINISTRATIVE**

1. Minutes: The July 11, 2013 were not approved pending revisions.

**R. Kydd:** Motion to approve the minutes as amended for September 8, 2011  
**C. Cloutier:** 2<sup>nd</sup> the motion  
**In Favor: 5 Opposed: 0 Absent: 1**  
**Passes: 5-0-1**

**R. Kydd:** Motion to approve the minutes as written for May 9, 2013  
**C. Cloutier:** 2<sup>nd</sup> the motion  
**In Favor: 5 Opposed: 0 Absent: 1**  
**Passes: 5-0-1**

2. Next meeting is scheduled for September 12, 2013

**7:30pm**

**R. Kydd:** Motion to adjourn

**C. Bradley:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 1**

**Passes: 5-0-1**

Minutes respectfully submitted by  
Pamela Berman, ZBA Administrative Assistant